United Nations S/2012/856

Security Council

Distr.: General
20 November 2012

Original: English

Letter dated 19 November 2012 from the Chairman of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 8 of Security Council resolution 2060 (2012), I have the honour to transmit herewith the report of the United Nations Resident and Humanitarian Coordinator for Somalia on the implementation of paragraphs 5, 6 and 7 of that resolution and on any impediments to the delivery of humanitarian assistance in Somalia (see annex).

I would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) H. S. **Puri**
Chairman
Security Council Committee pursuant to resolutions 751 (1992)
and 1907 (2009) concerning Somalia and Eritrea

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Annex

Letter dated 6 November 2012 from the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator addressed to the Chairman of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

In accordance with paragraph 8 of Security Council resolution 2060 (2012), I have the honour to transmit the requested report on the implementation of paragraphs 5, 6 and 7 of the resolution and on any impediments to the delivery of humanitarian assistance in Somalia (see enclosure).

The humanitarian community working in Somalia wishes to advise that, as in the five previous reports, it maintains the definition of the term "implementing partner" pursuant to paragraph 5 of Security Council resolution 1916 (2010), which is as follows:

> "Implementing partner", a non-governmental organization or community-based organization that has undergone due diligence to establish its bona fides by a United Nations agency or another non-governmental organization, and that reports when requested to the Resident Humanitarian Coordinator for Somalia on mitigation measures. Implementing partners have the following characteristics:
>
> (a) The organization is part of the consolidated appeals process for Somalia or the common humanitarian fund process;
>
> (b) The organization is represented in a cluster's 3W matrix (*Who* does *What* and *Where*).

I remain available should you have any questions about the content of the report or need further clarification on the humanitarian situation in Somalia.

(*Signed*) Valerie **Amos**
Under-Secretary-General for Humanitarian Affairs
and Emergency Relief Coordinator

Enclosure

Report of the United Nations Resident and Humanitarian Coordinator for Somalia

Introduction

1. The present report is the sixth submission pursuant to Security Council resolution 2060 (2012), the successor resolution to resolution 1972 (2011). In paragraph 8 of resolution 2060 (2012), the Council requested the Emergency Relief Coordinator to report to the Security Council by 20 November 2012 on the implementation of paragraphs 5, 6 and 7 of the resolution and on the impediments to the delivery of humanitarian assistance in Somalia, through the support of United Nations agencies and organizations having observer status in the General Assembly that provide humanitarian assistance.

2. This present report covers the period from July to October 2012. It focuses primarily on the regions of Somalia affected by Al-Shabaab, which was listed, pursuant to paragraph 8 of Council resolution 1844 (2008) by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, on 12 April 2010.

3. As in the five previous reports (S/2010/372, S/2010/580, S/2011/125, S/2011/694 and S/2012/546), the present report outlines constraints to humanitarian access and their operational implications, as well as the mitigation measures put in place to address the politicization, misuse and misappropriation of humanitarian assistance. The report is based on information gathered in a survey of relevant humanitarian agencies active in Somalia.

Security situation

4. During the reporting period, the security environment in southern and central Somalia remained volatile. The former Transitional Federal Government and the Federal Government of the Republic of Somalia, together with the African Union Mission in Somalia (AMISOM) and forces supporting the former Transitional Federal Government, such as the Ethiopian National Defence Forces, managed to push back Al-Shabaab from parts of its territory. Al-Shabaab in turn modified its tactics to asymmetrical warfare, targeting AMISOM and allied troops using strategically placed improvised explosive device attacks. The withdrawal of Al-Shabaab from some of its main strongholds resulted in continued insecurity and increased volatility. The northern and north-eastern areas of Somalia remained stable, except for heightened political tension in Puntland, which was exacerbated by occasional clan clashes. In central Somalia, there was a decrease in the number of assassinations. However, clan clashes and surveillance of movements of international staff by local authorities were noted.

Humanitarian situation and response

5. Somalia continued to experience a complex humanitarian emergency. According to the Food Security and Nutrition Analysis Unit, 2.1 million people are in crisis, and an additional 1.7 million people are in a stressed food security situation. However, recent figures, although still high, indicate an improvement in the food security situation compared with the previous reporting period: only two

areas are declared to still be in a state of emergency, owing largely to successive poor rains coupled with insecurity and trade disruptions. The overall improvement in the situation is attributed to sustained humanitarian interventions, improved food stocks, improved availability of milk and higher livestock prices in most pastoral areas.

6. Despite the access challenges outlined below, humanitarian actors continued to find new and different operational modalities to improve delivery to people in need. Approximately 1,079 international and national United Nations humanitarian and development staff were located in Somalia at any given time throughout the reporting period, including an average of 77 internationals in Mogadishu alone. In 2012 to date, humanitarian agencies have assisted over 1.5 million people with access to food, investments in livelihood assets and safety net interventions; almost 700,000 people have been reached with primary/basic and secondary health services; immunization programmes have reached 1.7 million Somali children and women of child bearing age; water, sanitation and hygiene partners reached over 1.6 million people with sustained water interventions; 1.77 million people have been reached through temporary provision of safe water, out of which 1.68 million were from the south; and approximately 858,300 people have been assisted with emergency packages and transitional shelter. Continued efforts to meet immediate needs, protect livelihoods and build resilience are essential to prevent a deterioration in the humanitarian situation.

Constraints on humanitarian access and operational implications

7. During the reporting period, there were noticeable improvements in humanitarian access in major urban areas such as Mogadishu, Baidoa and even Xuddur owing to the increased presence of AMISOM and Somali National Armed Forces. AMISOM forces also took control of key strategic towns in southern Somalia, including Marka, Jilib and Kismaayo, and, at the time of the drafting of the present report, the Somali National Armed Forces and its allied troops were making further gains against Al-Shabaab and securing recaptured areas. However, access to many areas remained difficult.

8. Al-Shabaab remained in control of much of the rural area in south and central Somalia. Al-Shabaab also continues to engage in widespread, sporadic and low-intensity attacks. Following the withdrawal by Al-Shabaab from Kismaayo at the end of September, there was an increase in attacks on military convoys and leading individuals, as well as on officials of the newly formed government. In August, there were increasing numbers of attacks in southern central Somalia, possibly related to the relocation of Al-Shabaab assets in the lead-up to their withdrawal from Kismaayo. The road between Jawhar, Middle Shabelle region and Beledweyne, Hiraan region, remained vulnerable to ambushes from Al-Shabaab, while arrests of national staff of non-governmental organizations denoted that Buurhakaba, a town between Mogadishu and Baidoa, remained under the control of Al-Shabaab.

9. Despite a considerably reduced presence in major towns, Al-Shabaab continued to hinder access and relief in small towns and rural parts of central and southern Somalia. An economic embargo on Xuddur town, in the Bakool region, was initiated in March 2012, affecting the supply of food and basic items to the town's population. Al-Shabaab also imposed high taxes on goods transported by longer routes and extorted citizens around other towns under blockade in the Bay

and Bakool regions. This had an impact on trade, affecting more and more of the urban and rural poor in southern central Somalia. Reports from Buulobarde, Hiraan province, suggested that Al-Shabaab strictly screened vehicles and trucks passing through. Al-Shabaab also denied passage to five trucks carrying returning internally displaced persons from Garoowe to different areas in the southern region. In July 2012, Al-Shabaab suspended all commercial movement to Afmadow town in Lower Juba and warned violators of dire consequences. Farmers' accessibility to markets was severely affected, leading to a steady rise in commodity prices and increased transportation costs. Al-Shabaab also continued to refuse outreach immunization services in areas under its control, leading to increased risk of outbreaks of disease, in particular for malnourished children.

10. In southern central Somalia, there were reports of members of the Somali National Armed Forces and local militia extorting and imposing levies on humanitarian convoys, as well as commercial and civilian vehicles. International non-governmental organizations and United Nations agencies reported that authorities at different levels requested them to hand over humanitarian supplies or to pay fees and staff taxes. There continued to be instances of "gatekeepers" — individuals and organizations who position themselves to harness humanitarian assistance flows for their own personal or political advantage[1] — diverting aid and hindering humanitarian access to people in need and settlements for the internally displaced. Humanitarian partners found that new or interim local or regional administrations did not always mean humanitarian access would be immediate or more predictable.

Risk mitigation measures

11. The risk of diversion of humanitarian aid remains a concern throughout Somalia. As the United Nations country team in Somalia (through agency efforts and the Risk Management Unit) strengthens its risk management regime, and as programming expands throughout Somalia, the Unit is receiving increasing reports of fraud and misappropriation of humanitarian (as well as development) assistance.

12. Risk mitigation has been enhanced since the previous report through the strengthening of the United Nations country team's Risk Management Unit. Since the previous report, the Unit has established a Risk Monitoring Team in Mogadishu and has undertaken monitoring and surveillance missions in Mogadishu and southern central Somalia to assess the quality and effectiveness of aid delivery and to identify existing or potential problems to ensure effective management of risk. The Unit's Contractor Information Management System currently holds data on 1,130 individual contractors and more than 2,000 contracts valued at more than $370 million. The system can also capture information about board members/shareholders, as well as upload risk reports and biodata details of individuals, including photos. The database contains input from nine United Nations agencies, and work is continuing to capture data from other United Nations country team entities. To further enhance its work and provide more robust risk mitigation measures for the United Nations country team in Somalia, the Unit is establishing a memorandum of understanding with the United Nations Office of Internal Oversight Services (OIOS) for the inclusion of an OIOS Investigations Liaison Officer within

[1] See report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011) (S/2012/544, annex).

the team. The Liaison Officer would provide advice on investigations (structure, methodology, expectations), undertake a review and analysis of extraterritorial jurisdiction for potential prosecution or recovery of funding, and support the monitoring activities of the Unit where the collection of evidence or assessment of criminality may be required. The Unit is also actively involved in promoting enterprise risk management throughout the wider United Nations system as well as the international community in Somalia. Innovative structures such as the Risk Management Unit will enable improvements in the implementation of projects, the collection of more inclusive data and reporting on aid programmes in Somalia that is less politicized.

13. In addition to the work undertaken by the Unit, most humanitarian partners in Somalia are advancing in their ability to detect and mitigate risks. Organizations operating in Somalia and surveyed by the Resident and Humanitarian Coordinator for Somalia in the preparation of the present report, and implementing partners and contractors noted that they implement a number of mitigation measures, including: the comprehensive screening of staff; avoiding volatile areas; monitoring of prevention measures implemented to avoid misappropriation (e.g., guarantees that portions of assistance will not be diverted or sold). Partners also held regular discussions with beneficiaries, "gatekeepers" and community leaders. Organizations also reported on mitigation measures put in place to address the risk of financial misappropriation, including: financial monitoring; opportunity and risk appraisals prior to project approval; financial risk assessments; and various audit mechanisms. To monitor project implementation and track related financial transactions, organizations ensure that: standard operating procedures are strictly adhered to; third party monitoring and evaluation projects and microassessments are enacted; and remote management tools are implemented.

Impact of resolutions 1916 (2010) and 1972 (2011)

14. More than two years after the adoption by the Security Council of resolution 1916 (2010) and, later, resolution 1972 (2011), views on the impact of the resolution on donor funding are relatively ambiguous. As stated in previous reports to the Security Council, the general consensus seems to be that, although funding delays occurred initially, the resolutions have generally facilitated the provision of financial and material support to life-saving activities. Paragraph 4 of resolution 1972 (2011) provides for an exemption for a period of 16 months from the provisions of paragraph 3 of resolution 1844 (2008). The non-renewal of the humanitarian exemption would result in delays in the delivery of humanitarian assistance in areas controlled by non-State armed groups.

15. Drawing humanitarian organizations into the sanctions regime has been viewed by some as an erosion of the principles of neutrality and independence. Several organizations therefore continue to operate outside of the exemption regime.

Conclusion

16. The risks associated with the delivery of humanitarian assistance in Somalia remain high. Humanitarian organizations still face impediments while delivering aid. Al-Shabaab continues to limit the number of organizations that are able to operate in areas under its control and to impose restrictive measures on the aid it does accept. District level authorities, unregulated militia and clans continue to

exert control over internally displaced persons by limiting or taxing their access to aid. Access to people in need remains impeded by "gatekeepers", particularly in urban centres, and threats against humanitarian actors due to insecurity remain high. However, extensive and ongoing improvements in monitoring and risk mitigation have significantly enhanced accountability and reduced the misuse and diversion of aid and funding. Moreover, the delivery of aid to meet immediate needs, protect livelihoods and build resilience remains absolutely essential to prevent a regression in the humanitarian situation. As a result of higher levels of accountability and the implementation of due diligence measures, the Emergency Relief Coordinator invites the Security Council to consider reducing the frequency of the present reporting requirement and the renewal of the humanitarian exemption provided in paragraphs 7 and 8 of resolution 2060 (2012).

United Nations S/2012/857

Security Council

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20 November 2012
English
Original: French

Letter dated 19 November 2012 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to inform you that for the past two days the town of Goma, the North Kivu provincial capital, has been subjected to continuing attacks by troops of the Rwandan regular army.

Today the town of Goma was shelled from Rwandan territory. One of the shells fell in the popular district of Birere, causing several deaths and wounding a number of civilians.

In view of the seriousness of the situation existing in and around the town of Goma, my Government requests the Security Council, as the organ responsible for the maintenance of international peace and security, to assume its full responsibilities and to:

1. Condemn this new aggression by Rwanda;

2. Recognize the dramatic humanitarian consequences of this aggression;

3. Demand that the Rwandan Army should purely and simply withdraw from around the town of Goma and from the territory of the Democratic Republic of the Congo;

4. Take note of the abuses committed and hold the Rwandan Government accountable for the serious violations of human rights and of international humanitarian law committed by Rwandan troops throughout their advance into Congolese territory and around the town of Goma.

My Government requests the Security Council to convene an urgent open meeting to consider this question.

I should be grateful if you could circulate this letter as a Security Council document.

(*Signed*) Ignace **Gata Mavita**
Ambassador
Permanent Representative

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United Nations S/2012/858

Security Council

Distr.: General
20 November 2012

Original: English

Colombia, France, Germany, Morocco, Portugal, South Africa, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions and the statements of its President concerning the Democratic Republic of the Congo (DRC), especially the presidential statement S/PRST/2012/22 of 19 October 2012 and the press statements of 2 August 2012 and 17 November 2012 on the situation in eastern DRC,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the DRC and emphasizing the need to respect fully the principles of non-interference, good-neighbourliness and regional cooperation,

Reiterating its deep concern regarding the rapidly deteriorating security and humanitarian crisis in eastern DRC due to ongoing military activities of the 23 March Movement (M23),

Expressing its deep concern regarding the resumption of attacks by the M23 and the entry of the M23 into the city of Goma on 20 November 2012, as well as the continuation of serious violations of international humanitarian law and abuses of human rights law by the M23 and other armed groups,

Calling for all perpetrators, including individuals responsible for violence against children and acts of sexual violence, to be apprehended, brought to justice and held accountable for violations of applicable international law,

Reiterating its strong condemnation of any and all external support to the M23, including through troop reinforcement, tactical advice and the supply of equipment, and expressing deep concern at reports and allegations indicating that such support continues to be provided to the M23,

Expressing concern at the possible negative impact of the prevailing situation in North Kivu on the security and humanitarian situation in South Kivu,

Expressing deep concern regarding the increasing number of displaced persons and refugees in Eastern DRC caused by the resumption of the attacks of the M23,

Welcoming the efforts of the United Nations Secretary-General as well as of the International Conference on the Great Lakes Region (ICGLR), the Southern African Development Community (SADC) and the African Union, to restore peace and security in Eastern DRC,

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Welcoming the efforts of the Chair of the ICGLR in convening the Extraordinary Summits of 15 July 2012, 7-8 August 2012, 8 September 2012 and 8 October 2012 to address the situation in Eastern DRC,

Stressing the primary responsibility of the Government of the DRC for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Calling on all parties to cooperate fully with the United Nations Organization Stabilization Mission in the DRC (MONUSCO) and *reiterating* its condemnation of any attacks against peacekeepers,

Determining that the situation in the DRC constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Strongly condemns* the resumption of attacks by the M23 in North-Kivu and the entry of the M23 into the city of Goma on 20 November 2012;

2. *Demands* the immediate withdrawal of the M23 from Goma, the cessation of any further advances by the M23 and that its members immediately and permanently disband and lay down their arms, and *further demands* the restoration of State authority of the Government of the DRC in Goma and in North-Kivu;

3. *Strongly condemns* the M23 and all its attacks on the civilian population, MONUSCO peacekeepers and humanitarian actors, as well as its abuses of human rights, including summary executions, sexual and gender based violence and large scale recruitment and use of child soldiers, *further condemns* the attempts by the M23 to establish an illegitimate parallel administration and to undermine State authority of the Government of the DRC, and *reiterates* that those responsible for crimes and human rights abuses will be held accountable;

4. *Expresses* deep concern at reports indicating that external support continues to be provided to the M23, including through troop reinforcement, tactical advice and the supply of equipment, causing a significant increase of the military abilities of the M23, and *demands* that any and all outside support to the M23 cease immediately;

5. *Requests* the Secretary-General to report in the coming days, in coordination with the ICGLR and the African Union (AU), on the allegations of external support to the M23 and *expresses* its readiness to take further appropriate measures on the basis of this report;

6. *Calls on* the ICGLR to monitor and inquire into, including by making active use of the Expanded Joint Verification Mechanism (EJVM), reports and allegations of outside support and supply of equipment to the M23, and *encourages* MONUSCO, in coordination with ICGLR members, to participate, as appropriate and within the limits of its capacities and mandate, in the activities of the EJVM;

7. *Expresses* concern that M23 commanders Innocent Kaina and Baudouin Ngaruye are engaging in activities for which the Committee established pursuant to resolution 1533 (2004) may designate individuals pursuant to paragraph 4 of resolution 1857 (2008), and *directs* the Committee to review, as a matter of urgency, their activities and those of any other individuals who meet the criteria for designation;

8. *Expresses* its intention to consider additional targeted sanctions, in accordance with the criteria set out in resolution 1857 (2008), against the leadership of the M23 and those providing external support to the M23 and those acting in violation of the sanctions regime and the arms embargo, and *calls on* all Member States to submit, as a matter of urgency, listing proposals to the 1533 Committee;

9. *Requests* the Secretary-General to report in the coming days on options, and their implications, for the possible redeployments, in consultation with troop- and police-contributing countries, of MONUSCO contingents and additional force multipliers, observation capabilities and troops within the current authorized ceiling, which, in regard to the current crisis, could improve the ability of MONUSCO to implement its mandate, including to protect civilians and report on flows of arms and related materiel across the borders of Eastern DRC, and in this context *expresses* its intention to keep the mandate of MONUSCO under review;

10. *Calls on* all relevant actors to use their influence on the M23 to bring about an end to attacks;

11. *Calls on* all parties, in particular the M23, to allow safe, timely and unhindered humanitarian access to those in need in accordance with international law, including applicable international humanitarian law and the guiding principles of humanitarian assistance, and to refrain from any violence against civilians;

12. *Calls upon* all parties to respect the civilian and humanitarian character of refugee camps and internally displaced persons sites and *stresses* the need to prevent any forced recruitment of individuals, including children by parties to the conflict;

13. *Commends* the active steps taken by MONUSCO to implement its mandate, in particular the protection of civilians, *further commends* in this regard the tireless efforts of all MONUSCO contingents, particularly in and around Goma, and encourages the continuation of their efforts;

14. *Emphasizes* that any attempts to undermine MONUSCO's ability to implement its mandate will not be tolerated and *condemns* all individuals and entities who plan, sponsor or participate in attacks against MONUSCO;

15. *Welcomes* and *emphasizes* the importance of the continuation of the efforts of the ICGLR, the Southern African Development Community (SADC) and the AU to resolve the conflict and find a durable political solution, and *calls on* them and States of the region to coordinate their efforts in order to bring about an end to attacks, stabilize the situation and facilitate dialogue between relevant parties;

16. *Welcomes* the designation of Boubacar Gaoussou Diarra as Special representative of the African Union for the Great Lakes region, *requests* the United Nations Secretary-General to report to the Council on options for high-level dialogue between relevant parties to address short-term and long-term causes underlying the political, security and humanitarian crises in Eastern DRC, including the option of the possible designation of a special envoy, and *further requests* the Secretary-General to report to the Council in the coming days on the evolution of the crisis and on diplomatic efforts, including his own;

17. *Emphasizes* the primary responsibility of the Government of the DRC to reinforce State authority and governance in Eastern DRC, including through

effective security sector reform to allow army and police reform, and to end impunity for abuses of human rights and violations of international humanitarian law, and *urges* the Government of the DRC to increase efforts to provide security, reform the security sector, protect civilians and respect human rights;

18. *Decides* to remain actively seized of the matter.

United Nations S/2012/859

Security Council

Distr.: General
20 November 2012

Original: English

Letter dated 20 November 2012 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council

During its meeting with you on Saturday evening, 17 November, a delegation representing the Arab League indicated that if the Security Council fails to adopt at least a press statement on the grave and deteriorating situation in Gaza, the Arab Group would request an open debate of the Security Council on this issue.

On this basis, my delegation, on behalf of the Arab Group, is requesting an urgent open debate of the Security Council today to examine the grave consequences of the ongoing Israeli military attacks against the Palestinian people in Gaza.

(*Signed*) Mohammed **Loulichki**
Ambassador
Permanent Representative

12-59825 (E) 201112

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United Nations S/2012/860

Security Council

Distr.: General
20 November 2012

Original: English

Letter dated 20 November 2012 from the Permanent Representatives of Costa Rica, Jordan and Liechtenstein to the United Nations addressed to the President of the Security Council

We have the honour to write to you on the important matter of the relationship between the Security Council and the International Criminal Court. As has been highlighted most recently in the context of the Council debate of 17 October 2012 on peace and justice with a special focus on the role of the International Criminal Court, this evolving relationship deserves increased attention. The impact of the Rome Statute system on the work of the Council, and vice versa, can be seen in many instances. The Court is carrying out judicial activities in two situations referred to it by the Council, namely, in Darfur, in accordance with Security Council resolution 1593 (2005), and in Libya, in accordance with resolution 1970 (2011), with important ramifications for both institutions, in particular as regards the question of cooperation, as the relevant obligations in cases of referrals stem exclusively from the authority of the Council under Chapter VII of the Charter of the United Nations. In addition, several other situations dealt with by the Court are also on the agenda of the Council. Overall, the Council has increasingly focused its attention on accountability in carrying out its mandate under the Charter of the United Nations.

In the light of the above, we would like to invite the Security Council to consider taking concrete steps to increase the synergies between its work and that of the International Criminal Court, and in particular to promote institutional dialogue on matters relating to international criminal justice, within their respective mandates, while safeguarding judicial independence. We therefore propose that the Council consider establishing a subsidiary mechanism mandated to systematically address questions arising from its relationship with the Court, or that it expand the mandate of its informal working group on international tribunals to this effect. We have noted that numerous speakers during the open debate expressed themselves in favour of such a mechanism.

We hope that this proposal will be positively considered by members of the Security Council and stand ready to address any further questions in this regard.

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We should be grateful if you would have this letter distributed as a document of the Security Council.

(*Signed*) Eduardo **Ulibarri**
Permanent Representative of Costa Rica

(*Signed*) Prince Zeid Ra'ad Zeid **Al-Hussein**
Permanent Representative of the Hashemite Kingdom of Jordan

(*Signed*) Christian **Wenaweser**
Permanent Representative of the Principality of Liechtenstein

United Nations S/2012/861

Security Council

Distr.: General
21 November 2012

Original: English

France, Germany, Greece, India, Italy, Spain, Ukraine and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), 1846 (2008), 1851 (2008), 1897 (2009), 1918 (2010), 1950 (2010), 1976 (2011), 2015 (2011), and 2020 (2011), as well as the Statement of its President (S/PRST/2010/16) of 25 August 2010,

Continuing to be gravely concerned by the ongoing threat that piracy and armed robbery at sea against vessels pose to the prompt, safe, and effective delivery of humanitarian aid to Somalia and the region, to the safety of seafarers and other persons, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law, and also gravely concerned by the extended range of the piracy threat into the western Indian Ocean and adjacent sea areas and the increase in pirate capacities,

Expressing concern about the reported involvement of children in piracy off the coast of Somalia,

Recognizing that the ongoing instability in Somalia contributes to the problem of piracy and armed robbery at sea off the coast of Somalia, and stressing the need for a comprehensive response by the international community to repress piracy and armed robbery at sea and tackle its underlying causes,

Recognizing the need to investigate and prosecute not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate, or finance and profit from such attacks, and *reiterating its concern* over persons suspected of piracy having to be released without facing justice, *reaffirming* that the failure to prosecute persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia undermines anti-piracy efforts of the international community and *being determined* to create conditions to ensure that pirates are held accountable,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law, recalling the importance of preventing, in accordance with international law, illegal

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fishing and illegal dumping, including of toxic substances, and *stressing* the need to investigate any new allegations of such illegal fishing and dumping; *noting* the report of the Secretary-General (S/2012/783), which acknowledges difficulty in providing detailed information related to illegal, unreported, and unregulated fishing and dumping off Somalia's coast without adequate monitoring or reporting systems, and states that the United Nations has received little evidence to date to justify claims that illegal fishing and dumping are factors responsible for forcing Somali youths to resort to piracy, and that there is currently no evidence of toxic waste dumping on land and at sea; *emphasizing* that the concerns about protection of the marine environment as well as resources should not be allowed to mask the true nature of piracy off the coast of Somalia which is a transnational criminal enterprise driven primarily by the opportunity for financial gain, and *expressing appreciation* in this respect for the report of the Secretary-General on the protection of Somali natural resources and water (S/2011/661) prepared pursuant to paragraph 7 of Security Council Resolution 1976 (2011),

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("The Convention"), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Underlining the primary responsibility of the Somali authorities in the fight against piracy and armed robbery at sea off the coast Somalia and *noting* the several requests from Somali authorities for international assistance to counter piracy off its coast, including the letter of 5 November 2012, from the Permanent Representative of Somalia to the United Nations expressing the appreciation of Somali authorities to the Security Council for its assistance, expressing their willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, and requesting that the provisions of resolution 1897 (2009) be renewed for an additional twelve months,

Commending the efforts of the European Union operation ATALANTA, North Atlantic Treaty Organization operations Allied Protector and Ocean Shield, Combined Maritime Forces' Combined Task Force 151 commanded by Denmark, New Zealand, Pakistan, Republic of Korea, Singapore, Turkey, Thailand and the United States, and other States acting in a national capacity in cooperation with Somali authorities and each other, to suppress piracy and to protect vulnerable ships transiting through the waters off the coast of Somalia, and *welcoming* the efforts of individual countries, including China, India, Japan, Malaysia, Republic of Korea, and the Russian Federation, which have deployed ships and/or aircraft in the region, as stated in the Secretary-General's report (S/2012/783),

Commending the efforts of flag States for taking appropriate measures to permit vessels sailing under their flag transiting the High Risk Area to embark vessel protection detachments and privately contracted armed security personnel, and encouraging States to regulate such activities in accordance with applicable international law and permit charters to favour arrangements that make use of such measures,

Notes the request of some Member States on the need to review the boundaries of the High Risk Area on an objective and transparent basis taking into account actual incidents of piracy, noting that the High Risk Area is set and defined by the insurance and maritime industry,

Welcoming the capacity building efforts in the region made through the International Maritime Organization (IMO) Djibouti Code of Conduct Trust Fund and the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia, as well as the European Union's planned programming under EUCAP NESTOR, and recognizing the need for all engaged international and regional organizations to cooperate fully,

Noting with appreciation the efforts made by the IMO and the shipping industry to develop and update guidance, best management practices, and recommendations to assist ships to prevent and suppress piracy attacks off the coast of Somalia, including in the Gulf of Aden, and the Indian Ocean area, and *recognizing* the work of the IMO, and the Contact Group on Piracy off the Coast of Somalia (CGPCS); in this regard, notes the efforts of the International Organization for Standardization, which has developed industry standards of training and certification for Private Maritime Security Companies when providing privately contracted armed security personnel on board ships in high-risk areas,

Noting with concern that the continuing limited capacity and domestic legislation to facilitate the custody and prosecution of suspected pirates after their capture has hindered more robust international action against the pirates off the coast of Somalia, too often has led to pirates being released without facing justice, regardless of whether there is sufficient evidence to support prosecution and *reiterating* that, consistent with the provisions of the Convention concerning the repression of piracy, the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation,

Underlining the importance of continuing to enhance the collection, preservation and transmission to competent authorities of evidence of acts of piracy and armed robbery at sea off the coast of Somalia, and *welcoming* the ongoing work of the IMO, INTERPOL, and industry groups to develop guidance to seafarers on preservation of crime scenes following acts of piracy, and noting the importance for the successful prosecution of acts of piracy of enabling seafarers to give evidence in criminal proceedings,

Further recognizing that pirate networks continue to rely on kidnapping and hostage-taking, and that these activities help generate funding to purchase weapons, gain recruits, and continue their operational activities, thereby jeopardizing the safety and security of innocent civilians and restricting the flow of free commerce, and *welcoming* international efforts to collect and share information to disrupt the pirate enterprise, as exemplified by INTERPOL's Global Database on Maritime Piracy; and noting the ongoing initiative aimed at establishing the Regional Anti-Piracy Prosecution & Intelligence Coordination Centre, hosted by the Republic of Seychelles,

Reaffirming international condemnation of acts of kidnapping and hostage-taking, including offences contained within the International Convention against the Taking of Hostages, and *strongly condemning* the continuing practice of hostage-taking by pirates operating off the coast of Somalia, *expressing serious concern* at the inhuman conditions hostages face in captivity, *recognizing* the adverse impact on their families, *calling for* the immediate release of all hostages, and *noting* the

importance of cooperation between Member States on the issue of hostage-taking and the prosecution of suspected pirates for taking hostages,

Commending the Kenya and the Seychelles' efforts to prosecute suspected pirates in their national courts, welcoming and looking forward to further engagement of Mauritius and Tanzania, and *noting* with appreciation the assistance being provided by the United Nations Office of Drugs and Crime (UNODC), the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia, and other international organizations and donors, in coordination with the CGPCS, to support Kenya, Seychelles, Somalia, and other States in the region to take steps to prosecute, or incarcerate in a third State after prosecution elsewhere, pirates, including facilitators and financiers ashore, consistent with applicable international human rights law, and emphasizing the need for States and international organizations to further enhance international efforts in this regard,

Welcoming the readiness of the national and regional administrations of Somalia to cooperate with each other and with States who have prosecuted suspected pirates with a view to enabling convicted pirates to be repatriated back to Somalia under suitable prisoner transfer arrangements, consistent with applicable international law including international human rights law,

Welcoming the report of the Secretary-General (S/2012/783), as requested by resolution 2020 (2011), on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia,

Taking note with appreciation of the reports of the Secretary-General on the modalities for the establishment of specialized Somali anti-piracy courts (S/2011/360 and S/2012/50), prepared pursuant to paragraph 26 of resolution 1976 (2011) and paragraph 16 of resolution 2015 (2011), and the ongoing efforts within the CGPCS and the United Nations Secretariat to explore possible additional mechanisms to effectively prosecute persons suspected of piracy and armed robbery at sea off the coast of Somalia, including those ashore who incite or intentionally facilitate acts of piracy,

Stressing the need for States to consider possible methods to assist the seafarers who are victims of pirates, and welcoming in this regard the ongoing work within the CGPCS and the IMO on developing guidelines for the care of seafarers and other persons who have been subjected to acts of piracy,

Recognizing the progress made by the CGPCS, UNODC, and UNPOS in the use of public information tools to raise awareness of the dangers of piracy, highlight the best practices to eradicate this criminal phenomenon, and inform the public of the dangers posed by piracy,

Further noting with appreciation the ongoing efforts by UNODC and UNDP to support efforts to enhance the capacity of the corrections system in Somalia, including regional authorities notably with the support of the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia, to incarcerate convicted pirates consistent with applicable international human rights law,

Bearing in mind the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, *noting* the operations of the newly established information sharing centres in Yemen, Kenya and Tanzania and the ongoing work regarding a regional maritime

training centre in Djibouti, and *recognizing* the efforts of signatory States, including new signatory States South Africa and Mozambique, to develop the appropriate regulatory and legislative frameworks to combat piracy, enhance their capacity to patrol the waters of the region, interdict suspect vessels, and prosecute suspected pirates,

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off the coast of Somalia, and *further emphasizing* that Somalia's long-term security rests with the effective development by Somali authorities of the Somali National Security Forces,

Welcoming in this regard the election of the President on 10 September and the subsequent appointment of a Prime Minister and Cabinet, *considering* that this represents the completion of the Transition in Somalia and an important milestone in Somalia's path to more stable and accountable governance,

Noting that the joint counterpiracy efforts of the international community and private sector have resulted in a sharp decline in pirate attacks as well as hijackings since 2011 and *emphasizing* that without further action, the significant progress made in reducing the number of successful pirate attacks is reversible,

Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia exacerbate the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in the waters off the coast of Somalia;

2. *Recognizes* that the ongoing instability in Somalia is one of the underlying causes of the problem of piracy and contributes to the problem of piracy and armed robbery at sea off the coast of Somalia;

3. *Stresses* the need for a comprehensive response to repress piracy and tackle its underlying causes by the international community;

4. *Underlines* the primary responsibility of Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, and requests the Somali authorities, with assistance from the Secretary-General and relevant United Nations entities, to pass a complete set of counter-piracy laws without further delay, and to declare an Exclusive Economic Zone in accordance with the United Nations Convention on the Law of the Sea;

5. *Recognizes* the need to continue investigating and prosecuting all suspected pirates and *urges* States, working in conjunction with relevant international organizations, to intensify their efforts to investigate and prosecute key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate, or finance and profit from such attacks;

6. *Calling upon* the Somali authorities to interdict, and upon interdiction to investigate and prosecute pirates and to patrol the territorial waters off the coast of Somalia to suppress acts of piracy and armed robbery at sea, noting the importance

of strengthening Somalia's maritime capacity, and *welcomes* support by the international community for strengthening Somalia's capacity in this regard;

7. *Calls upon* States to cooperate also, as appropriate, on the issue of hostage taking, and the prosecution of suspected pirates for taking hostages;

8. *Notes again* its concern regarding the findings contained in the 13 July 2012 report (S/2012/544, page 211) and resolution 2020 (2011) that escalating ransom payments and the lack of enforcement of the arms embargo established by resolution 733 (1992) are fuelling the growth of piracy off the coast of Somalia, *calls upon* all States to cooperate fully with the Somalia and Eritrea Monitoring Group including on information sharing regarding possible arms embargo violations;

9. *Recognizes* the need for States, regional organizations, and other appropriate partners to exchange evidence and information with a view to the arrest and prosecution of key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate, or finance and profit from piracy operations, and keeps under review the possibility of applying targeted sanctions against such individuals or entities if they meet the listing criteria set out in paragraph 8 resolution 1844 (2008);

10. *Renews* its call upon States and regional organizations that have the capacity to do so, to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and international law, by deploying naval vessels, arms and military aircraft and through seizures and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

11. *Commends the work* of the CGPCS to facilitate coordination in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, in cooperation with the IMO, flag States, and Somali authorities and *urges* States and international organizations to continue to support these efforts;

12. *Encourages* Member States to continue to cooperate with Somali authorities in the fight against piracy and armed robbery at sea, notes the primary role of Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, and *decides* that for a further period of twelve months from the date of this resolution to renew the authorizations as set out in paragraph 10 of resolution 1846 (2008) and paragraph 6 of resolution 1851 (2008), as renewed by paragraph 7 of resolution 1897 (2009), paragraph 7 of resolution 1950 (2010), and paragraph 9 of resolution 2020 (2011) granted to States and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by Somali authorities to the Secretary-General;

13. *Affirms* that the authorizations renewed in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations, under the Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and *affirms further* that such authorizations have been

renewed only following the receipt of the 5 November 2012 letter conveying the consent of Somali authorities;

14. *Further affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to weapons and military equipment destined for the sole use of Member States and regional organizations undertaking measures in accordance with paragraph 9 above or to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 6 of resolution 1950 (2010) which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

15. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorizations in paragraph 9 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

16. *Calls on* the Somali authorities to make all efforts to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea and *calls upon* Member States to assist Somalia, at the request of Somali authorities and with notification to the Secretary-General, to strengthen capacity in Somalia, including regional authorities, and *stresses* that any measures undertaken pursuant to this paragraph shall be consistent with applicable international human rights law;

17. *Calls upon* all States, and in particular flag, port, and coastal States, States of the nationality of victims, and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of all persons responsible for acts of piracy and armed robbery off the coast of Somalia, including anyone who incites or facilitates an act of piracy, consistent with applicable international law including international human rights law to ensure that all pirates handed over to judicial authorities are subject to a judicial process, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims and witnesses and persons detained as a result of operations conducted under this resolution;

18. *Calls upon* all States to criminalize piracy under their domestic law and to favourably consider the prosecution of suspected, and imprisonment of convicted, pirates apprehended off the coast of Somalia, and their facilitators and financiers ashore, consistent with applicable international law including international human rights law;

19. *Reiterates* its decision to continue its consideration, as a matter of urgency, of the establishment of specialized anti-piracy courts in Somalia and other States in the region with substantial international participation and/or support, as set forth in resolution 2015 (2011), and the importance of such courts having jurisdiction over not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate, or finance and profit from such attacks, and *emphasizes* the need for strengthened cooperation of

States, regional, and international organizations in holding such individuals accountable, and encourages the CGPCS to continue its discussions in this regard;

20. *Welcomes*, in this context, that the report of the Secretary-General pursuant to resolution 2015 (2011) contains detailed implementation proposals on ways to ensure that suspected pirates are held accountable through the due process of law in accordance with international standards, and encourages action in this field at the federal level in Somalia;

21. *Urges* all States to take appropriate actions under their existing domestic law to prevent the illicit financing of acts of piracy and the laundering of its proceeds;

22. *Urges* States, in cooperation with INTERPOL and Europol, to further investigate international criminal networks involved in piracy off the coast of Somalia, including those responsible for illicit financing and facilitation;

23. *Commends* INTERPOL for the creation of a global piracy database designed to consolidate information about piracy off the coast of Somalia and facilitate the development of actionable analysis for law enforcement, and *urges* all States to share such information with INTERPOL for use in the database, through appropriate channels;

24. *Stresses* in this context the need to support the investigation and prosecution of those who illicitly finance, plan, organize, or unlawfully profit from pirate attacks off the coast of Somalia;

25. *Urges* States and international organizations to share evidence and information for anti-piracy law enforcement purposes with a view to ensuring effective prosecution of suspected, and imprisonment of convicted, pirates;

26. *Commends* the establishment of the Trust Fund Supporting the Initiatives of States Countering Piracy off the Coast of Somalia and the IMO Djibouti Code Trust Fund and *urges* both State and non-State actors affected by piracy, most notably the international shipping community, to contribute to them;

27. *Urges* States parties to the Convention and the SUA Convention to implement fully their relevant obligations under these Conventions and customary international law and cooperate with the UNODC, IMO, and other States and other international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

28. *Urges* States individually or within the framework of competent international organizations to positively consider investigating any new allegations of illegal fishing and illegal dumping, including of toxic substances, with a view to prosecuting such offences when committed by persons under their jurisdiction; *encourages* increased efforts to monitor and report on such allegations; *takes note* of the report of the Secretary-General (S/2012/783), which acknowledges difficulty in providing detailed information related to illegal, unreported, and unregulated fishing and dumping off Somalia's coast without adequate monitoring or reporting systems, and states that the United Nations has received little evidence to date to justify claims that illegal fishing and dumping are factors responsible for forcing Somali youths to resort to piracy, and that there is currently no evidence of toxic waste dumping on land and at sea; and *emphasizes* that the concerns about protection of the marine environment as well as resources should not be allowed to mask the true

nature of piracy off the coast of Somalia which is a transnational criminal enterprise driven primarily by the opportunity for financial gain; and *takes note* of the Secretary-General's intention to include updates on these issues in his reports relating to piracy off the Coast of Somalia;

29. *Welcomes* the recommendations and guidance of the IMO on preventing and suppressing piracy and armed robbery against ships, *underlines* the importance of implementing such recommendations and guidance by all stakeholders, particularly the shipping industry, and of flag States ensuring, as appropriate, the implementation of such recommendations and guidance, and *urges* States, in collaboration with the shipping and insurance industries, and the IMO, to continue to develop and implement avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in the waters off the coast of Somalia, and further urges States to make their citizens and vessels available for forensic investigation as appropriate at the first suitable port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

30. *Encourages* flag States and port States to further consider the development of safety and security measures onboard vessels, including, where applicable, developing regulations for the deployment of PCASP on board ships through a consultative process, including through the IMO and ISO;

31. *Invites* the IMO to continue its contributions to the prevention and suppression of acts of piracy and armed robbery against ships in coordination, in particular, with the UNODC, the World Food Program (WFP), the shipping industry, and all other parties concerned, and *recognizes* the IMO's role concerning privately contracted armed security personnel on board ships in high-risk areas;

32. *Notes* the importance of securing the safe delivery of WFP assistance by sea, welcomes the ongoing work by the WFP, EU operation ATALANTA and flag States with regard to Vessel Protection Detachments on WFP vessels;

33. *Requests* States and regional organizations cooperating with Somali authorities to inform the Security Council and the Secretary-General in nine months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 9 above and further requests all States contributing through the CGPCS to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy;

34. *Requests* the Secretary-General to report to the Security Council within 11 months of the adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia;

35. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authorizations provided in paragraph 9 above for additional periods upon the request of Somali authorities;

36. *Decides* to remain seized of the matter.

United Nations S/2012/862

Security Council

Distr.: General
1 November 2012

Original: English

Report of the Secretary-General concerning the credentials of the deputy representative of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 1 November 2012 from the Permanent Representative of the Russian Federation to the United Nations stating that Mr. Petr V. Iliichev has been appointed deputy representative of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.

12-59857 (E) 261112

Please recycle

United Nations S/2012/863

Security Council

Distr.: General
24 August 2012

Original: English

Report of the Secretary-General concerning the credentials of the alternate representative of the United Kingdom of Great Britain and Northern Ireland on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 24 August 2012 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations stating that Ms. Lisa Maguire has been appointed alternate representative of the United Kingdom on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.

12-59863 (E) 261112

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United Nations S/2012/864

Security Council

Distr.: General
28 November 2012

Original: English

Letter dated 17 November 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

With reference to my letter dated 25 October 2012 addressed to the President of the Security Council in my national capacity as Permanent Representative of the Sudan to the United Nations (S/2012/790), I have further the honour to address you now as Chair of the Arab Group for the month of November 2012.

Upon the instruction of the Council of the League of Arab States based on its decision No. 7574 (see annex), adopted on 12 November 2012 at its extraordinary session, which condemned the Israeli aggression against the Sudan, I have been entrusted with the task of requesting the Security Council, in conformity with its responsibility to maintain international peace and security, to take the appropriate measures to condemn the said aggression and to ensure the safety and the territorial integrity of the Sudan. The perpetration of such aggression represents a blatant breach of the Charter of the United Nations and the norms of international law.

You are kindly requested to circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Ambassador
Chair of the Arab Group

12-61393 (E) 291112 301112

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Annex to the letter dated 17 November 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic]

The Israeli aggression against the Yarmuk plant in Khartoum

The Council of the League of Arab States, meeting at the ministerial level, at an extraordinary session that was held at Secretariat Headquarters in Cairo on 11 November 2012,

Having considered the memorandum of the General Secretariat,

Having heard the presentations of the Minister for Foreign Affairs of the Sudan, the Secretary-General and the heads of delegations concerning the Israeli aggression against the Yarmuk plant in Khartoum, a facility that manufactures conventional weapons,

Reaffirming its full solidarity with the Sudan as it responds to this heinous Israeli aggression,

Decides

1. To condemn Israel's terrorist aggression of 24 October 2012 that targeted a plant in the south of the Sudanese capital, Khartoum, that manufactures conventional weapons, an aggression that terrorized defenceless civilians and caused death and substantial damage to public and private property.

2. To present a complaint on behalf of all Arab States to the Security Council calling for preventive measures to be taken urgently in response to the aggression against the Yarmuk plant, inasmuch as that aggression is a blatant violation of international law, the Charter of the United Nations and the sovereignty of the Sudan, and constitutes a grave threat to international security and peace.

3. To stand in solidarity with the Sudan in the face of this heinous Israeli aggression and to affirm its right to defend itself, counter aggression and take the measures it deems appropriate, in accordance with international norms and laws, with a view to preserving its territorial integrity and the security of its citizens, as well as holding Israel accountable and prevailing on it to take responsibility for the consequences of its aggression, including the payment of compensation for all damages resulting therefrom.

4. To form a ministerial committee comprising Tunisia, Qatar, Egypt and the Secretary-General of the League of Arab States to consider, in consultation and coordination with the Sudan, all measures required to respond to this terrorist aggression, and to report on the outcome of its work at the next session of the Council of the League.

Resolution No. 7574, extraordinary session of 12 November 2012

United Nations A/67/584–S/2012/865

General Assembly
Security Council

Distr.: General
21 November 2012

Original: English

General Assembly
Sixty-seventh session
Agenda item 37
Question of Palestine

Security Council
Sixty-seventh year

Identical letters dated 20 November 2012 from the Permanent Representative of Malaysia to the United Nations addressed to the President of the General Assembly and the President of the Security Council

I have the honour to express Malaysia's deep concerns with regard to the situation in the Gaza Strip resulting from the Israeli attacks that began on 14 November 2012. Since then, the aggression by Israel has caused the deaths of hundreds of Palestinian civilians, including women and children. The attacks by Israel have caused 1.6 million Palestinians to be in jeopardy, as the innocent civilians are isolated from receiving humanitarian aid due to the massive military action and the continued blockade of the Gaza Strip.

The continued violence against Palestinian civilians, including women and children, the indiscriminate bombing and the shelling of populated areas must cease immediately and the flow of vital humanitarian and medical aid and supplies to the Palestinians in Gaza must resume without hindrance. The Security Council must shoulder its responsibility to take action to compel Israel to immediately cease its military attacks on the Palestinian Territory of Gaza.

The Parliament of Malaysia and the Malaysian people join the international community in condemning the Israeli aggression. Such aggression is a breach of international law, including international humanitarian and human rights laws. The Israeli aggression is clearly a serious breach of the Charter of the United Nations. These developments are followed closely in Malaysia. Today, the Parliament of Malaysia passed a resolution condemning the attacks by Israel on the Palestinian people in the Gaza Strip. In this connection, I would like to convey to you the resolution of the Parliament of Malaysia for your kind attention.* I am also requesting that the present letter be circulated as a document of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Hussein **Haniff**
Ambassador
Permanent Representative of Malaysia

* The resolution referred to is on file with the Secretariat and is available for consultation

12-60212 (E) 271112

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